

FILED

APR 10 2008 *adw*

Apr 10, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MOTION UNDER 28 U.S.C. SECTION 2255
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY
A PERSON IN FEDERAL CUSTODY

UNITED STATES

V.

KENDRICK THOMAS, #21731-424

(Full name and prison number of
movant)

08cv2204

JUDGE GOTTSCHALL

MAGISTRATE JUDGE SCHENKIER

IF THE MOVANT HAS A SENTENCE TO BE SERVED IN THE FUTURE UNDER A FEDERAL JUDGMENT WHICH HE WISHES TO ATTACK, HE SHOULD FILE A MOTION IN THE FEDERAL COURT WHICH ENTERED THE JUDGMENT.

1. Place of detention, or if on parole, date of parole release
USP-Terre Haute, P.O. Box 33, Terre Haute, IN 47808
2. Name and location of court which sentence was imposed and name
of judge who imposed the sentence which is now under attack.
U.S. District Court for the Northern District of Illinois,
Chicago, IL 60604 Hon. Mark. R. Filip.

3. Date of judgment of conviction:
August 3, 2006
4. Case number: 04-CR-965
5. Length of sentence: 188 months in prison
6. Nature of offense involved (all counts): 2 counts of knowingly and intentionally distributing a controlled substance in violation of 21 U.S.C. §841(a)(1)
7. What was your plea? (check one)
(A) Not guilty ()
(B) Guilty (☒)
(C) Nolo Contendere ()
8. Kind of trial: (check one)
(A) Jury ()
(B) Judge only ()
9. Did you testify at the trial?
Yes () No (☒)
10. Did you appeal from the judgment of conviction?
Yes (☒) No ()
11. If you did appeal, answer the following:
(A) Name of court Seventh Circuit Court of Appeals
(B) Result Conviction and sentence was affirmed
(C) Date of result April 25, 2007
12. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?
Yes () No (☒)

13. If your answer to (12) was "YES," give the following information:

- (A) (1) Name of court N/A
(2) Nature of proceeding _____
(3) Grounds Raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(B) As to any second petition, application or motion, give the same information:

- (1) Name of the court N/A
(2) Nature of proceeding _____
(3) Grounds Raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(C) As to any third petition, application or motion, give the same information:

- (1) Name of the court N/A
(2) Nature of proceeding _____
(3) Grounds Raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes () No ()

(5) Result _____

(6) Date of result _____

(D) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes () No (X)

(2) Second petition, etc. Yes () No (X)

(3) Third petition, etc. Yes () No (X)

(E) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

I asked my appellate counsel to file a petition for a Writ of
Certiorari in the U.S. Supreme Court on my behalf, but he
refused to do so.

14. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: IF YOU FAIL TO SET FORTH ALL GROUNDS IN THIS MOTION, YOU MAY BE BARRED FROM PRESENTING ADDITIONAL GROUNDS AT A LATER DATE.

A. Ground one See: Memorandum in Support/attached

Supporting FACTS (tell your story briefly without citing cases or law):

See: Memorandum in Support/attached

B. Ground two See: Memorandum in Support/attached

Supporting FACTS (tell your story briefly without citing cases or law):

C. Ground three See: Memorandum in Support/attached

Supporting FACTS (tell your story briefly without citing cases or law):

See: Memorandum in Support/attached

Ground four _____

Supporting FACTS (tell your story briefly without citing cases or law: _____

15. If any of the grounds listed in 14 A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: _____

N/A _____

16. Do you have any petition or appeal now pending in any court as to the judgment under attack? Yes () No (☒)

(A) If "YES," state the name of the court and the nature of the proceeding: _____

17. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(A) At preliminary hearing Thomas M. Lienenweber,
321 S. Plymouth Court, Chicago, IL 60604

(B) At arraignment and plea Thomas M. Lienenweber,
321 S. Plymouth Court, Chicago, IL 60604

- (C) At trial Ross M. Eagle,
53 W. Jackson Blvd., Suite 1320, Chicago, IL 60604
- (D) At sentencing Ross M. Eagle,
53 W. Jackson Blvd., Suite 1320, Chicago, IL 60604
- (E) On appeal Ross M. Eagle,
53 W. Jackson Blvd., Suite 1320, Chicago, IL 60604
- (F) In any post-conviction proceeding N/A
- (G) On appeal from any adverse ruling in a post-conviction proceeding N/A

18. Were you sentenced on more than one count of an indictment, or more than one indictment, in the same court and at approximately the same time? Yes () No ()

19. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack? Yes () No ()

(A) If so, give the name and location of the court which imposed the sentence to be served in the future: _____

(B) And give the date and length of sentence to be served in the future: _____

WHEREFORE, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of attorney (if any)

K. Thomas 21731-424
Signature of Movant

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-2-08
(date)

Kendrick Thomas
Signature of Movant
21731-424